

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

NETCHOICE,  
Plaintiff,

v.

ROB BONTA,  
Defendant.

Case No. 5:24-cv-07885-EJD

**SCHEDULING ORDER RE FIRST-  
PHASE DISCOVERY**

On March 13, 2025, the Court held a hearing on Plaintiff NetChoice's motion to stay pending appeal. ECF No. 65. At the hearing, the Court denied NetChoice's motion but limited the scope of discovery pending the Ninth Circuit's decision. The Court further directed the parties to meet and confer regarding a schedule for this initial, limited discovery. *Id.*

The parties timely submitted a joint case management statement with a proposed schedule in accord with the Court's oral ruling at the hearing. ECF No. 68. In their statement, though, the parties indicated that they might have some disputes regarding the scope of initial discovery. The Court then ordered the parties to submit a joint report identifying those disputes. ECF No. 69. The parties eventually reached agreement on the scope of initial discovery, but identified potential disputes over the scope of the second phase of discovery to occur after the Ninth Circuit renders its decision in the pending appeal. ECF No. 70.

For now, the Court need not set any limits on second-phase discovery. It therefore adopts the parties' agreement as to the scope of first-phase discovery, *see* ECF No. 70, without expressing any opinion on the scope of second-phase discovery, and without any prejudice to any party's merits arguments. The Court also adopts the schedule for first-phase discovery that the parties proposed in their case management statement. *See* ECF No. 68.


Accordingly, first-phase discovery is limited to discovery on (a) the government's interest in passing SB 976 and (b) the means to achieve those interests, as the parties have defined them in their joint report. ECF No. 70. The parties shall also adhere to the following schedule (all events relate solely to the topics approved for first-phase discovery):

Event	Deadline
Service of Rule 26 Disclosures	May 8, 2025
Opening Expert Reports	July 17, 2025
Last Day to Serve Written Discovery	July 24, 2025
Rebuttal Expert Reports	August 21, 2025
Sur-Rebuttal Expert Reports	September 25, 2025
Discovery Cutoff and Last Day to File Discovery Motions	October 23, 2025

Within **21 days** of a decision in the pending appeal, the parties shall file a joint statement with a proposal for second-phase discovery. This Order is without prejudice to either party's ability to move to begin second-phase discovery before the Ninth Circuit renders a decision if circumstances require doing so.

**IT IS SO ORDERED.**

Dated: April 9, 2025

  
EDWARD J. DAVILA  
United States District Judge